

Rule 4003.6. Discovery of Treating Physician.

- (a) General Rule.** Information may be obtained from the treating physician of a party only upon written consent of that party or through a method of discovery authorized by this chapter.
- (b) Exception.** This rule shall not prevent an attorney from obtaining information from:
- (1) the attorney's client[.];
 - (2) an employee of the attorney's client[.]; or
 - (3) an ostensible employee of the attorney's client.

Comment: Practitioners should be aware of the overlap between the requirements of this rule and the Rules of Professional Conduct regarding the procedural and ethical ramifications when a firm represents a treating physician or has preexisting attorney-client relationships with multiple physicians, at least one of whom it represents in connection with a medical professional liability action. See *Mertis v. Oh*, 317 A.3d 529 (Pa. 2024) (holding that (1) information may be considered to have been obtained, for purposes of the rule, by imputation from one attorney at a law firm to another attorney at the same firm, and (2) an attorney cannot avail himself or herself of the “attorney’s client exception” pursuant to subdivision (b) by initiating an attorney-client relationship with a treating physician if the attorney would be otherwise subject to the restrictions of the rule as to that treating physician).